

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

LIGHTNING EXPRESS COURIER, INC.

Case No.: 818-72055 reg

Debtor.

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NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Motion of R. Kenneth Barnard, Esq. as Chapter 7 Trustee (the “Trustee”) of the Estate of LIGHTNING EXPRESS COURIER, INC. (the “Debtor”), the said Trustee will move this Court before the Honorable Robert E. Grossman, United States Bankruptcy Judge, on **July 30, 2018, at 9:30 a.m.**, or as soon thereafter as counsel can be heard, at the United States Bankruptcy Court, Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, NY, for an Order pursuant to 11 U.S.C. §§ 105(a), 341, 343, 521 and 542, 543 and Rules 1001, 2004, 4002, and 9001(5), of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), (i) designating Richard Gallo and Louis Cartelli, jointly and severally, as the persons responsible for the Debtor's performance of its obligations under Title 11 of the United States Code, 11 U.S.C. §101 *et. seq.*, as amended (the “Bankruptcy Code”), the Bankruptcy Rules, and the Local Bankruptcy Rules for the Eastern District of New York, and (ii) directing Richard Gallo and Louis Cartelli, jointly and severally, to locate and cause to be turned over to the Trustee the books, records, files, other documents and property of the estate of the Debtor, and to provide the Trustee with such information as is necessary to locate and administer the property of the estate, along with such other and further relief as may seem just and proper.

PLEASE TAKE FURTHER NOTICE, that objections or opposition to the Trustee's Motion shall be filed as follows: (a)(i) through the Bankruptcy Court's electronic filing system (in accordance with General Order M-182) which may be accessed through the Internet at the Court's website at www.nyeb.uscourts.gov, using Netscape Navigator software version 3.0 or higher, and (ii) in portable document format (PDF) using Adobe Exchange software for conversion; or (b) if a party is unable to file electronically, such party shall submit the objection in PDF format on a diskette in an envelope bearing the case name, case number, type and title of document, document number to which the objection refers; or (c) if a party is unable to file electronically or use PDF format, such party shall submit the objection on a diskette in either Word, WordPerfect, or DOS text (ASCII) format. An objection filed by a party with no legal representation shall comply with section (b) or (c) as set forth in this paragraph. A hard copies of such objection, whether filed pursuant to section (a), (b) or (c) above, shall be provided to the Trustee's counsel, at The Law Offices of R. Kenneth Barnard, 3305 Jerusalem Avenue, Suite 215, Wantagh, New York 11791, the Office of the United States Trustee, Long Island Federal Courthouse, 560 Federal Plaza, Central Islip, New York 11722, and the Clerk of the Bankruptcy Court, in a manner so as to be actually received at least 7days prior to the return date of this Motion.

Dated: Wantagh, New York
May 16, 2018

**LAW OFFICES OF
R. KENNETH BARNARD**
Attorneys for the Trustee
By: **s/ R. Kenneth Barnard**
3305 Jerusalem Avenue, Suite 215
Wantagh, New York 11793
(516) 809-9397

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Chapter 7

LIGHTNING EXPRESS COURIER, INC.

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TRUSTEE’S MOTION FOR AN ORDER: (i) PURSUANT TO RULE 9001(5) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, DESIGNATING RICHARD GALLO AND LOUIS CARTELLI, JOINTLY AND SEVERALLY, AS THE PERSONS RESPONSIBLE FOR PERFORMING THE OBLIGATIONS OF THE DEBTOR HEREIN UNDER THE BANKRUPTCY CODE; AND (ii) DIRECTING RICHARD GALLO AND LOUIS CARTELLI, JOINTLY AND SEVERALLY, TO LOCATE AND CAUSE TO BE TURNED OVER TO THE TRUSTEE THE BOOKS, RECORDS, FILES, OTHER DOCUMENTS AND PROPERTY OF THE ESTATE OF THE DEBTOR, AND TO PROVIDE THE TRUSTEE WITH SUCH INFORMATION AS IS NECESSARY TO LOCATE AND ADMINISTER THE PROPERTY OF THE ESTATE

TO: the Honorable Robert E. Grossman
United States Bankruptcy Judge:

R. Kenneth Barnard, Esq., the Chapter 7 Trustee (the “Trustee”) of the Estate of LIGHTNING EXPRESS COURIER, INC. (the “Debtor”), by the Law Offices of R. Kenneth Barnard, seeks the entry of an order, pursuant to 11 U.S.C. §§ 105(a), 341, 343, 521 and 542, 543 and Rules 1001, 2004, 4002, and 9001(5), of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), (i) designating Richard Gallo and Louis Cartelli, jointly and severally, as the persons responsible for the Debtor's performance of its obligations under Title 11 of the United States Code, 11 U.S.C. §101 *et. seq.*, as amended (the “Bankruptcy Code”), the Bankruptcy Rules, and the Local Bankruptcy Rules for the Eastern District of New York, and (ii) directing Richard Gallo and Louis Cartelli, jointly and severally, to locate and cause to be turned over to the Trustee the books, records, files, and other documents of the Debtor, and

to provide the Trustee with such information as is necessary to locate and administer the property of the estate, respectfully sets forth as follows:

1. On 03/27/18 (the "Filing Date"), the Debtor filed a voluntary Petition for relief pursuant to Chapter 7 of Title 11 of the United States Code (the "Bankruptcy Code"). Thereupon, by Notice of Appointment, R. Kenneth Barnard, Esq., was appointed Chapter 7 Trustee of the estate (the "Trustee") and has since duly qualified, and has served as the permanent Trustee in this case.
2. The Debtor operated a courier and/or package delivery service. Upon information and belief, at all times relevant hereto, the Debtor was a domestic corporation, and the shares of the Debtor were owned 50% by Richard Gallo and 50% by Louis Cartelli.
3. Upon information and belief, prior to the cessation of the day to day operations of the Debtor, Richard Gallo was the President of the Debtor, and maintained responsibility for the day to day operations and the management of Debtor's business and its financial affairs.
4. Upon information and belief, prior to the cessation of the day to day operations of the Debtor, Louis Cartinelli was the Vice-President of the Debtor, and maintained responsibility for the day to day operations and the management of Debtor's business and its financial affairs.
5. Upon his appointment, the Trustee began his investigation of the Debtor's business operations, its potential assets, and the facts leading to the filing. The Trustee's investigation has lead him to believe that Richard Gallo and Louis Cartelli were the individuals responsible for the Debtor's financial affairs and operations. The Trustee

also believes that some or all of the books and records of the Debtor are in the possession, custody or control of Richard Gallo and Louis Cartelli .

6. In order for the Trustee to complete and fulfill his responsibilities and to be able to properly administer this case, the Trustee requires an order clarifying and designating the individuals who will be responsible to fulfill all of the obligations and responsibilities of the Debtor to include, without limitation, appear and testify in connection with the Debtor's operations and provide the Trustee with whatever records and information may be available.
7. Consequently, the Trustee seeks the entry of an Order designating Richard Gallo and Louis Cartelli, jointly and severally, as the individuals responsible for the performance of Debtor's obligations under the Bankruptcy Code. The Trustee, will require the turn over of the Debtor's books, records and documents, along with an explanation of the transaction in which it engaged, in order to piece together the facts and transaction which may give rise to any claims or rights of recovery that might be asserted on behalf of the estate.

RELIEF REQUESTED

8. The Trustee seeks the Court's issuance of the annexed proposed order pursuant to 11 U.S.C. §§ 105(a), 343, 521 and 542 and Bankruptcy Rules 1001, 2004, 4002, and 9001(5) to enable the Trustee to expeditiously administer this estate. In brief, the proposed order: (a) designates Richard Gallo and Louis Cartelli, jointly and severally, as the persons responsible for the Debtor and requires those individuals to fulfill all of the Debtor's responsibilities and obligations under the Bankruptcy Code, Bankruptcy Rules,

the Local Rules and orders of this Court and the requirements of the Office of the United States Trustee, including but not limited to the preparation and filing of bankruptcy schedules; and (b) directs Richard Gallo and Louis Cartelli, to locate and turn over to the Trustee the books and records of the Debtor. It is respectfully submitted that the Trustee needs the foregoing information in order to comply with his statutory obligations under the Bankruptcy Code.

9. In addition, the Trustee will require information from Richard Gallo and Louis Cartelli, to locate the various bank accounts, and other assets of the Debtor.

WHEREFORE, the Trustee respectfully requests that the proposed Order be entered, together with such other and further relief as this Court deems just and proper.

Dated: Wantagh, New York
May 16, 2018

**LAW OFFICES OF
R. KENNETH BARNARD**
Attorneys for the Trustee

By: **s/ R. Kenneth Barnard**
R. Kenneth Barnard
3305 Jerusalem Avenue
Suite 215
Wantagh, New York 11793
(516) 809-9397

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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ORDER: (i) PURSUANT TO RULE 9001(5) OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, DESIGNATING RICHARD GALLO AND LOUIS CARTELLI, JOINTLY AND SEVERALLY, AS THE PERSONS RESPONSIBLE FOR PERFORMING THE OBLIGATIONS OF THE DEBTOR; AND (ii) DIRECTING RICHARD GALLO AND LOUIS CARTELLI, JOINTLY AND SEVERALLY, TO LOCATE AND CAUSE TO BE TURNED OVER TO THE TRUSTEE THE BOOKS, RECORDS, FILES, OTHER DOCUMENTS AND PROPERTY OF THE ESTATE OF THE DEBTOR, AND TO PROVIDE THE TRUSTEE WITH SUCH INFORMATION AS IS NECESSARY TO LOCATE AND ADMINISTER THE PROPERTY OF THE ESTATE

UPON the Motion of R. Kenneth Barnard, Esq., as Trustee for the Estate of LIGHTNING EXPRESS COURIER, INC. (the "Debtor"), by his attorneys, the Law Offices of R. Kenneth Barnard, seeking the entry of an order pursuant to 11 U.S.C. §§ 105(a), 343, 521, 542 and 543 and Rules 1001, 2004, 4002, and 9001(5), of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), designating Richard Gallo and Louis Cartelli, jointly and severally (the "Responsible Person") as the individuals responsible for the performance of the Debtor's obligations under Title 11 of the United States Code, 11 U.S.C. §101 *et. seq.*, as amended (the "Bankruptcy Code"), the Bankruptcy Rules, and the Local Bankruptcy Rules for the Eastern District of New York, and (ii) directing Richard Gallo and Louis Cartelli, jointly and severally, to locate and cause to be turned over to the Trustee the books, records, files, other documents and property of the estate of the Debtor, and to provide the Trustee with such information as is necessary to locate and administer the property of the estate; and upon the affidavit of service of the Motion; and no additional notice being necessary nor required; and after due deliberation and sufficient cause appearing

therefore; it is hereby,

ORDERED, pursuant to 11 U.S.C. §§ 105(a), 341, 343, 521, 542 and 543 and Rules 1001, 2004, 4002, and 9001(5) of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"):

1. Richard Gallo and Louis Cartelli, are jointly and severally designated as the individuals responsible for immediately performing, complying with, and satisfying all obligations and responsibilities of a Chapter 7 Debtor under the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules of the Eastern District of New York, all orders of this Court, and all applicable regulations of the Office of the United States Trustee, to include, without limitation, preparing the Debtor's schedules and statement of financial affairs and to appear at any scheduled Section 341 meeting of creditors as may be directed by the Office of the United States Trustee or the Chapter 7 Trustee;

2. Richard Gallo and Louis Cartelli, are designated as the Responsible Persons, to perform those acts required of a "Debtor" in accordance with Rule 9001(5)(A) of the Federal Rules of Bankruptcy Procedure, and as such are directed to collect, amass, account for, and physically turn over, or cause to be turned over to the Trustee, in accordance with the Trustee's instructions, immediately, but in no event later than 5:00 p.m. of the tenth business day following the service of a copy of this order by mail at their last known address, all of the files, records and other documents, including both tangible documents and electronic or digital files, in their actual or constructive possession, custody or control, which affect, relate to, record, reflect or otherwise pertain to the Debtor or any of its transactions, at any time, of every kind and nature;

3. Richard Gallo and Louis Cartelli, as the Responsible Persons for the Debtor,

are directed to collect, amass, account for, and physically turn over, or cause to be turned over to the Trustee, in accordance with the Trustee's instructions, immediately, but in no event later than 5:00 p.m. of the tenth business day following the service of a copy of this order by mail at their last known address, all property of the estate, as that term is defined in 11 U.S.C. §542;

4. Richard Gallo and Louis Cartelli, as the Responsible Persons for the Debtor, are directed to collect, amass, account for, and physically turn over, or cause to be turned over to the Trustee, in accordance with the Trustee's instructions, immediately, but in no event later than 5:00 p.m. of the tenth business day following the service of a copy of this order by mail at their last known address, (i) the Debtor's federal and state tax returns, for the last 6 years, (ii) the Responsible Person's, federal and state tax returns, for the last 6 years, (iii) federal and state tax returns for federal and state tax returns owned in whole or in part by the Responsible Party, (iv) federal and state tax returns for federal and state tax returns related to the Debtor, or in which the Debtor of the Responsible Party has, had or could be deemed to have any type of legal, equitable or beneficial interest; and it is further

ORDERED, that Richard Gallo and Louis Cartelli, are directed to appear and be examined by the Trustee and/or his professionals, at a meeting to be conducted pursuant to 11 U.S.C. §341, and each and every adjourned meeting, at the examination room on the 5th floor of the Long Island Federal Courthouse, Central Islip, N.Y. 11722 at a date and time to be set by the Trustee hereafter, with notice thereof to be given by first class mail postage prepaid at their last known address; and it is further

ORDERED, that the Trustee is authorized to do such things, expend such funds and execute

such documents as may be necessary to effectuate and enforce the terms and conditions of this Order.